

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 2:23-cr-146
)	Judge J. Nicholas Ranjan
BRIAN DIPIPPA;)	
KRYSTAL MARTINEZ-DIPIPPA,)	
)	
Defendants.		

FINAL PRETRIAL ORDER

This 30th day of April, 2024, the Court hereby orders that it has set this matter down for a jury trial, and schedules the following pretrial deadlines. Because the government bears the burden at trial, many of the pretrial obligations apply only to the government (though the parties may confer and file joint submissions).

1. **Speedy Trial Clock.** It is ordered that the time period from April 3, 2024 to September 9, 2024 is deemed to be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* Specifically, the Court finds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendants to a speedy trial, 18 U.S.C. § 3161(h)(7)(A), since the Court finds that the additional period is necessary to enable counsel for the government and defendants to adequately prepare for trial, including the review and production of evidence consistent with the Court's omnibus order (ECF 96), taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv).

2. **Discovery.** If not already produced, all Rule 16 discovery and specifically requested expert disclosures must be accomplished by **May 31, 2024**. Any potential impeachment and Rule 404(b) and Rule 609 material of Defendants must be produced not later than **August 26, 2024**, consistent with the Court's omnibus

order (ECF 96). To the extent not already covered by Rule 16, and consistent with the Court's omnibus order, the government shall preserve all investigatory rough notes. The Court expects Jencks Act material to be produced as early as possible, and no later than **August 26, 2024**, consistent with the omnibus order. The parties are reminded that their discovery obligations and duties to supplement remain ongoing.

3. **Expert Reports.** Consistent with the parties' status report (ECF 102), the parties shall exchange any expert reports by **July 1, 2024**. Any rebuttal expert reports shall be exchanged by **August 1, 2024**.

4. **Government's Trial Exhibits/Exhibit List.** The government must produce to Defendants the exhibits it intends to use at trial by **August 9, 2024**. Wiretap exhibits must have accompanying written transcripts for purposes of pretrial review. PDF copies of the trial exhibits must be emailed to the courtroom deputy by **August 9, 2024** (there is no need to submit hard-copy exhibits). The government's exhibit list must be filed by that date, with the columns completed for the exhibit number (G-1, G-2), and description of the exhibit. The exhibit list form is attached hereto.

5. **Government's Witness List.** The government's witness list must be filed under seal by **August 9, 2024**. The witness list must include a brief summary of the proffered testimony. Unless the government has certain concerns regarding the safety of witnesses, the government must provide Defendants the witness list at this time.

6. **Government's Proposed Substantive Jury Instructions.** By **August 9, 2024**, the government must file its proposed substantive jury instructions as to offenses charged and their elements, and any matters unique to this case. The instructions must include citation to applicable authority. There is no need to file instructions on procedural matters, such as the burden of proof, nature of the evidence, and the like.

7. **Government's Proposed Verdict Slip.** The government must file its proposed verdict slip by **August 9, 2024**.

8. **Objections and Motions In Limine.** Any objections to the government's filings and any motions *in limine*, including any *Daubert* motions, are due **August 16, 2024**. Responses are due **August 23, 2024**. For objections and/or modifications to the government's proposed jury instructions, they must be filed as a redline to the government's proposed jury instructions and must cite any applicable authority. For evidentiary objections/responses to trial exhibits, the parties must confer and complete and file the attached exhibit list form by **August 23, 2024**.

9. **Daubert Hearing.** If any party requests a *Daubert* hearing, the hearing on *Daubert* motions shall be held at the final pretrial conference, on **September 4, 2024**.

10. **Proposed Voir Dire.** The parties must meet and confer regarding any individual voir dire questions and shall separately email the courtroom deputy no more than 10 proposed questions per side by no later than **August 23, 2024**. Each question should indicate whether the opposing party objects to the question, and the

basis for the objection. Each question must be phrased to elicit a “yes”/no” response. The Court will review the proposed questions, and determine which, if any, will be asked in addition to the questions covered under the Local Rules.

11. **Final Pretrial Conference.** The final pretrial conference shall be on **September 4, 2024**, at 2:00 p.m. in Courtroom 6C. The Court expects Defendants to be present.

12. **Jury Trial.** Jury selection and trial shall commence on **September 9, 2024**, at 9:00 a.m. in Courtroom 6C. If the parties consent to a non-jury trial, they must so notify the Court at least one month in advance of trial so that prospective jurors can be deferred and the above deadlines can be modified.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge

ATTACHMENT
GOVERNMENT EXHIBIT LIST

Exhibit No.	Exhibit Description	Defense Objection	Government Response	Court Ruling